

**REMARKS**

Claims 1-13 and 39-52 are pending in this application with claims 1 and 39 being independent.

**A.) The Section 103 Rejections Based on Yin and Gallant**

Claims 1-12, 39-50 and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 5,982,748 to Yin et al. ("Yin") in view of U.S. Patent Application Publication No. US 2001/0026553 to Gallant et al. ("Gallant"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Initially, Applicants note the Examiner's statement that the Applicants mis-characterized Gallant. Applicants believe this is an incorrect statement. After reading the Examiner's further explanation of Gallant and re-reading Gallant itself again, Applicants appear to have misunderstood Gallant; at no time have the Applicants attempted to mis-characterize Gallant.

In the most recent Office Action the Examiner again admits that Yin does not disclose the feature of assigning each class a unique overbooking factor to ensure that no two service classes have an identical overbooking factor, as in claims 1-13 and 39-52 of the present invention. To overcome these deficiencies, the Examiner cites Gallant.

Applicants note that each of claims 1-13 and 39-52 also include the feature of the determination of an effective bandwidth for each class of service based in part on an assigned overbooking factor and one of either a cell delay

variation or cell loss, where the so-determined effective bandwidth is eventually used to determine whether to admit or reject a call. Neither Yin nor Gallant discloses or suggests the use of such an effective bandwidth in a process used to admit or reject a call. Further, neither Yin nor Gallant discloses or suggests the use of an effective bandwidth based in part on an assigned overbooking factor and one of either a cell delay variation or cell loss in a process used to admit or reject a call.

In the Office Action, the Examiner relies on Yin as disclosing an “effective bandwidth” and directs the Applicants’ attention to column 7, lines 30-34 and column 11, lines 6-7 of Yin in support of his position. Applicants respectfully submit, however, that these excerpts do not describe the claimed effective bandwidth. Instead, these excerpts define an allocation factor that is based on an undefined “Actual Usage” parameter and/or a “subscribed bandwidth”,  $A(i)$ , parameter. Applicants submit that neither parameter is akin to, nor suggestive of, the claimed effective bandwidth. The Applicants believe that the claims are patentable over the cited references without amendment because of this reason alone.

On pages 6 through 11 of the present application the computations of effective bandwidth for CBR and VBR traffic classes are presented. With respect to CBR traffic, it is noted that an effective bandwidth may be computed based on a cell delay variation while a VBR effective bandwidth may be computed based on a cell loss ratio. Neither the Actual Usage nor the subscribed bandwidth parameters disclosed in Yin appear to be so computed.

The Applicants have added the cell delay variation and cell loss ratio features into the claims to further define the effective bandwidth feature. In addition, the Applicants believe that the addition of these features may lead to allowance by the Examiner. If the Examiner considers this new matter that raises a new issue then the Applicants will withdraw these amendments and rely on the original effective bandwidth language of the claims.

The Applicants would request that the Examiner call their undersigned attorney before issuing an Advisory Action to discuss allowable subject matter.

Continuing, the addition of Gallant does not overcome the deficiencies of Yin. Gallant makes use of a “bandwidth in use” (paragraph 163) to compute a “bandwidth per direction”. Nowhere in Gallant is there disclosed a computation of an effective bandwidth based (in part) on either a cell delay variation or cell loss ratio as in claims 1-13 and 39-52.

Accordingly, Applicants respectfully submit that claims 1-13 and 39-52 are patentable over a combination of Yin and Gallant.

**B.) The Section 103 Rejections Based on Yin, Gallant and Huang**

Claims 13 and 51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yin in view of Gallant, further in view of U.S. patent No. 6,608,815 to Huang et al. (“Huang”).

Initially it is noted that claim 13 depends from claim 1 and claim 51 depends from claim 39. In addition, it is noted that Huang does not make up for the deficiencies of Yin and Gallant discussed above.

Accordingly, Applicants respectfully submit that claims 13 and 51 are patentable over a combination of Yin, Gallant and Huang for the reasons set above with respect to claims 1 and 39.

**CONCLUSION**

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-13 and 39-52.

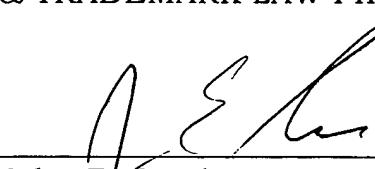
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

  
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